

REMARKS

This application has been reviewed in light of the Office Action mailed October 5, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1-2, 5-9, 11-13, 15 and 17-27 are pending in the application with Claims 17-20 having been previously withdrawn. Of the claims currently elected for further prosecution, Claim 1 is in independent form. By way of the present response, Claim 1 has been amended and Claim 7 has been canceled. No new subject matter has been introduced into the disclosure by way of the present amendment.

Initially, the Examiner has indicated that Claims 22-24 contain allowable subject matter and would be allowed if rewritten in independent form containing all the limitations of the base claim and any intervening claims.

I. Rejection of Claims 1, 11 and 25 under 35 U.S.C. §102(b)

Claims 1, 11 and 25 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,318,146 issued to Madsen et al. (hereinafter, "Madsen '146"). Madsen '146 discloses forming an ultrasound/MRI phantom using material adapted to mimic human tissues. The mimicking material includes an aqueous mixture of large organic, water-soluble molecules, copper salt, chelating agent, and a gel-forming material.

However, Madsen '146 does not properly anticipate having human tissue mimicking material, e.g. internal organ models, formed as blocks that are removably inserted within a base, as Examiner rightly asserts. The removable blocks of the present invention are adapted to be replaced when the tissue mimicking material becomes damaged by punctures performed during use as a training device. The phantom device disclosed in Madsen '146 is directed for use as a training and testing device for calibrating ultrasound and MRI imaging systems, thus the Madsen

'146 phantom device would not be subjected to damage during the proper use of the device for its intended and disclosed purpose. Therefore, there is no need to have portions of the tissue mimicking material formed as removable and replaceable blocks.

In response, independent Claim 1 has been amended to recite the above-identified distinguishing feature of having "...one or more internal organ models, positioned in the storage portion for imitating human internal organs, at least one of said one or more internal organ models being adapted to be detachable..." Claim 7 has been canceled, as this feature is duplicated in Claim 7.

It is well-settled by the Courts that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984) Therefore, as demonstrated above, because Madsen '146 does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated.

Claims 11 and 25 depend from independent Claim 1 and thus include the limitations recited in that independent claim. Therefore, for at least the reasons given above, Claims 1, 11 and 25 are believed to be patentably distinct and allowable over the prior art. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1, 11 and 25 under 35 U.S.C. §102(b).

II. Rejection of Claims 2 and 21 Under 35 U.S.C. §103(a)

Claims 2 and 21 are rejected Under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Madsen '146 in view of U.S. Patent No. 6,190,915 issued to Madsen et al. (hereinafter, "Madsen '915"). The Examiner has failed to show disclosure or suggestion in Madsen '146 of the above-identified distinguishing feature. As mentioned above, Madsen '146

does not disclose or suggest using the phantom device in a manner that would cause a portion of the organ models embedded therein to be damaged, thus there is no disclosure, suggestion or motivation to have detachable blocks that can be replaced when damaged through proper use. Regarding the secondary reference, Madsen '915 fails to properly overcome the deficiencies of Madsen '146.

Therefore, for at least the reasons given above, Claims 2 and 21 are believed to be patentably distinct and allowable over Madsen '146 and Madsen '915, taken alone or in any proper combination. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 2 and 21 under 35 U.S.C. §103(a) over Madsen '146 in view of Madsen '915.

III. Rejection of Claims 5 and 12 Under 35 U.S.C. §103(a)

Claims 5 and 12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Madsen '146 in view of U.S. Patent No. 4,974,461 issued to Smith et al. As mentioned above, Madsen '146 does not disclose or suggest using the phantom device in a manner that would cause a portion of the organ models embedded therein to be damaged, thus there is no disclosure, suggestion or motivation to have detachable blocks that can be replaced when damaged through proper use. Smith et al. fails to overcome this deficiency in Madsen '146, as Smith et al. discloses a cardiac ultrasound phantom, however no mention is made of the cardiac model being in anyway detachable from the housing.

Therefore, for at least the reasons given above, Claims 5 and 12 are believed to be patentably distinct and allowable over Madsen '146 and Smith et al., taken alone or in any proper combination. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 5 and 12 under 35 U.S.C. §103(a) over Madsen '146 in view of Smith et al.

IV. Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Madsen '146 in view of U.S. Patent No. 3,310,885 issued to Alderson. Alderson discloses a radio-therapy phantom of a human upper body. However, Alderson fails to overcome the deficiencies of Madsen '146 as mention above. Specifically, Madsen '146 and Alderson, taken alone or in any proper combination, fails to disclose or suggest having detachable organ models that can be replaced when damaged through proper use.

Therefore, for at least the reasons given above, Claim 6 is believed to be patentably distinct and allowable over Madsen '146 in view of Alderson. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 2 and 21 under 35 U.S.C. §103(a) over Madsen '146 in view of Alderson.

V. Rejection of Claims 7-9, 13, 15 and 26-27 Under 35 U.S.C. §103(a)

Claims 7-9, 13, 15 and 26-27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Madsen '146, the Examiner has failed to show disclosure or suggestion in Madsen '146 of the above-identified distinguishing feature. As mentioned above, Madsen '146 does not disclose or suggest using the phantom device in a manner that would cause a portion of the organ models embedded therein to be damaged, thus there is no disclosure, suggestion or motivation to have detachable blocks that can be replaced when damaged through proper use.

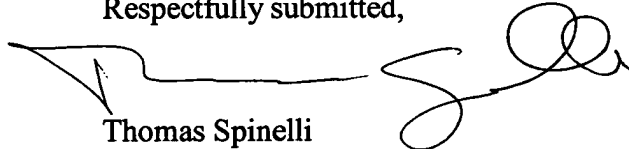
Therefore, for at least the reasons given above, Claims 2 and 21 are believed to be patentably distinct and allowable over Madsen '146. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 2 and 21 under 35 U.S.C. §103(a) over Madsen '146.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-2, 5-6, 8-9, 11-13, 15 and 21-27 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a stylized, looping flourish at the end.

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